

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE PAYMENT CARD INTERCHANGE FEE
AND MERCHANT DISCOUNT ANTITRUST
LITIGATION

**ORDER TO
SHOW CAUSE**

05-MD-1720 (MKB) (JAM)

This document refers to: ALL ACTIONS

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JOSEPH A. MARUTOLLO, United States Magistrate Judge:

In its August 27, 2024 monthly report, Rule 23(b)(3) Class Counsel (“Class Counsel”) reported on an issue related to the law firm Betz & Baril. *See* Dkt. No. 9399. In the report, Class Counsel noted a history of problems with Betz & Baril and stated that, should additional matters arise, Class Counsel would likely seek an Order to Show Cause regarding Betz & Baril. *Id.*

On September 5, 2024, Class Counsel submitted a letter detailing the history of issues with Betz & Baril, as well as a new matter that recently came to light that involves two other entities, Certainty Management and LenCred. *See* Dkt. No. 9407. Upon review of the materials submitted by Class Counsel, the Court hereby grants the Order to Show Cause, as follows:

1. By **September 16, 2024, Betz & Baril** shall file a letter with the Court as to why it should not be permanently barred from any settlement-related services in this action. In the letter, Betz & Baril shall explain why the Court should not order the cancellation of all contracts between class members and Betz & Baril for claims-filing services. Betz & Baril shall also explain why the Court should not notify all class members of such cancellation, at Betz & Baril’s expense. In the letter, Betz & Baril shall provide a list of all class members that it has signed up through its marketing efforts.

2. By **September 16, 2024, Certainty Management** shall file a letter with the Court as to why it should not be permanently barred from any settlement-related services in this action.

In the letter, Certain Management shall explain steps it has taken to remove false and/or misleading content from its websites, YouTube and/or other social media channels, or any other marketing channels, including email marketing. In the letter, Certainty Management shall provide a list of all class members that it has signed up through its marketing efforts.

3. By **September 16, 2024**, **LenCred** shall file a letter with the Court as to why it should not be permanently barred from any settlement-related services in this action. In the letter, LenCred shall explain steps it has taken to remove false and/or misleading content from its websites, YouTube and/or other social media channels, or any other marketing channels, including email marketing. In the letter, LenCred shall provide a list of all class members that it has signed up through its marketing efforts.

4. Class Counsel shall serve this order on Betz & Baril, LenCred, and Certainty Management by **September 9, 2024 at 5:00 p.m. EST** via email and any other manner most likely to constitute timely and effective notice.

Dated: Brooklyn, New York
September 7, 2024

SO ORDERED.

/s/ Joseph A. Marutollo
JOSEPH A. MARUTOLLO
United States Magistrate Judge